

ASSEMBLY BILL

No. 847

Introduced by Assembly Member Berg

February 22, 2007

An act to add Section 6529.5 to the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 847, as introduced, Berg. Joint powers agreements: Yurok Tribe.

Existing law authorizes 2 or more public agencies, as defined, to enter into an agreement to jointly exercise any power common to the contracting parties.

This bill would authorize the Yurok Tribal Council to enter into a joint powers agreement with public agencies for the purpose of the preservation and restoration of fish stocks on the Klamath River and fisheries in the Klamath River Basin and related projects and activities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6529.5 is added to the Government Code,
- 2 to read:
- 3 6529.5. (a) Notwithstanding any other provision of this
- 4 chapter, the Yurok Tribal Council, as the governing body of the
- 5 Yurok Tribe of the Yurok Reservation, a federally recognized
- 6 Indian tribe, located in Humboldt County and Del Norte County,
- 7 may enter into a joint powers agreement with public agencies for
- 8 the purposes of the preservation and restoration of fish stocks on

1 the Klamath River, water quality monitoring, watershed restoration,
2 and other projects and activities for the preservation and restoration
3 of fisheries in the Klamath River Basin, as defined in Section 5901
4 of the Water Code.

5 (b) The joint powers authority authorized to be created pursuant
6 to subdivision (a) shall not have the power to authorize or issue
7 bonds pursuant to the Marks-Roos Local Bond Pooling Act of
8 1985 (Article 4 (commencing with Section 6584)) unless the public
9 improvements to be funded by the bonds will be owned and
10 maintained by the authority or one or more of its public agency
11 members, and the revenue streams pledged to repay the bonds
12 derive from the authority or one or more of its public agency
13 members.

14 (c) The joint powers authority authorized to be created pursuant
15 to subdivision (a) shall not exercise decisionmaking authority over
16 private lands or enter onto private lands without the express written
17 consent of the landowner. This limitation shall not be construed
18 to restrict or expand local government police power or the existing
19 regulatory authority of state agencies or other entities while
20 participating in the joint powers authority.

21 (d) Nothing in this section shall be construed as extending
22 additional eminent domain powers to the Yurok Tribe beyond the
23 exterior boundaries of the reservation.

24 SEC. 2. The Legislature finds and declares that a special law
25 is necessary and that a general law cannot be made applicable
26 within the meaning of Section 16 of Article IV of the California
27 Constitution because of the unique circumstances of the Klamath
28 River Basin. The facts constituting the special circumstances are:

29 The Yurok Tribe's vital interest in the preservation and
30 restoration of fisheries in the Klamath River Basin necessitates its
31 participation in a joint powers authority formed for those purposes.